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*Attorneys for Plaintiff Catalina Aramburo Lizarraga*

7 UNITED STATES DISTRICT COURT

8 DISTRICT OF NEVADA

9  
10 CATALINA ARAMBURO LIZARRAGA ) CASE NO. 2:15-cv-01655-MMD-VCF

11 Plaintiff, )

12 vs. )

13 BUFFALO WILD WINGS, INC., )

14 BUFFALO WILD WINGS )

15 GRILL & BAR, BLAZIN WINGS, INC., )

DOE OWNER, I-V, DOE EMPLOYEE, )

16 DOE MAINTENANCE EMPLOYEE, )

ROE OWNER, ROE EMPLOYER, )

17 ROE COMPANIES, I-V, )

ROE RESTAURANT COMPANY, )

18 ROE CHAIR MANUFACTURER, )

19 ROE MAINTENANCE COMPANY, )

ROE WHOLESALE, ROE RETAILER, )

20 AND ROE DISTRIBUTOR, )

21 Defendants. )

22  
23 **STIPULATION AND ORDER REGARDING RULE 35 MEDICAL EXAMINATION**

24 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff, CATALINA  
25 ARAMBURO LIZARRAGA, by and through her attorneys of record, RYAN M. ANDER, ESQ. and  
26 KIMBALL JONES, ESQ., of MORRIS ANDERSON; Defendants, BUFFALO WILD WINGS,  
27 INC., BUFFALO WILD WINGS GRILL & BAR and BLAZIN WINGS, INC., by and through their  
28

1 attorneys, CHARLES T. HVASS, ESQ. of DONNA LAW FIRM and JONATHAN OWENS, ESQ.,  
2 of ALVERSON, TAYLOR, MORTENSEN & SANDERS, to the terms of the Defense Medical  
3 Examination as follows:

4           1.       The rule 35 medical examination (“examination”) of Plaintiff shall be conducted by a  
5 physician, surgeon, or chiropractor (“defense medical examiner”), who is currently licensed to  
6 practice in Clark County, Nevada. No other physician, surgeon, or chiropractor shall be present  
7 during the examination. If necessary, the defense medical examiner may utilize members of his/her  
8 staff to assist during the examination;  
9

10           2.       The examination shall be completed within two (2) hours, and Plaintiff will not be  
11 made to wait in the doctor’s waiting room for the examination to begin for more than 45 minutes.  
12 However, should Plaintiff be made to wait 45 minutes, Plaintiff’s counsel will contact Defendant’s  
13 counsel so that Defendant’s counsel can make a good effort to remedy the issue regarding Plaintiff’s  
14 extended wait time;  
15

16           3.       The examination shall be conducted in Clark County, Nevada;  
17

18           4.       No CT scans or MRI’s shall be performed on the Plaintiff in the course of the  
19 examination, nor shall any medical treatment be rendered to the Plaintiff by the defense medical  
20 examiner.  
21

22           5.       Any paperwork or forms that Defendant (or the defense medical examiner) requires  
23 for the examination shall be submitted to Plaintiff’s counsel for review no later than 48 hours prior to  
24 the examination;  
25

26           6.       The defense medical examiner shall be provided with a copy of these terms and  
27 conditions prior to the examination;  
28

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1           7.       Neither defense counsel or Plaintiff's counsel, nor anyone from the defense counsel's  
2 office or Plaintiff's counsel's office, may attend the examination; and

3           8.       The examining physician shall not engage in *ex parte* contact with plaintiff's treating  
4 health care providers, with regard to the Plaintiff.

5           9.       Defendant is entitled to only one (1) defense medical examination to address the issue  
6 of Plaintiff CATALINA ARAMBURO LIZARRAGA's injuries, based on the current claims for  
7 injury. Should Plaintiff add additional claims, Defendants will not be prohibited from seeking an  
8 additional medical examination for those additional claims.  
9

10          10.      The examiner will produce all reports as provided by the Federal Rules of Civil  
11 Procedure.

12          11.      The examiner will produce a copy of his entire file upon request by Plaintiff's counsel,  
13 including any test materials/raw data, excepting those materials not required to be produced by the  
14 Federal Rules of Civil Procedure.  
15

16          12.      The examiner will accurately report his findings and test results.

17          13.      Liability questions may not be asked by the examining physician or any agent or  
18 representative of the examining physician.  
19

20          14.      The report generated by the examiner will list all tests, exams, other materials  
21 (radiographs, test results, other physician reports) that are used by the examiner to form the  
22 examiner's opinions and conclusions. All reference materials must be referred to within the report,  
23 otherwise they will be precluded as part of the basis of the medical examiner's opinions.  
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SAO re Defense Medical Examination of Catalina Aramburo Lizarraga

15. Thirty (30) days following the examination, Plaintiff shall be provided with a copy of all reports and writings generated by the defense medical examiner, including, but not limited to, a detailed written report of the examiner setting out the examiner's findings, including results of all tests made, diagnoses and conclusions, together with like reports of all earlier examinations of the same condition;

DATED this 7<sup>th</sup> day of March, 2016.

DATED this 7<sup>th</sup> day of March, 2016.

**MORRIS//ANDERSON LAW**

**ALVERSON TAYLOR MORTENSEN &  
SANDERS**

/s/ Kimball Jones

/s/ Jonathan Owens

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**DONNA LAW FIRM**

*Attorneys for Plaintiff*

*Attorneys for Defendants,*

*BUFFALO WILD WINGS, INC. and*

*BLAZIN WINGS, INC.*

**IT IS SO ORDERED**

Dated this 7<sup>th</sup> day of March, 2016.



UNITED STATES MAGISTRATE JUDGE